

*REMARKS*

Claims 1-44 are pending in the application and claims 45-54 are presently withdrawn. Claims 9-10 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 15 was rejected under 35 U.S.C. § 112, first paragraph as not enabled. Claims 1-2, 7-11, 13-24, 33-35, 37-42 and 44 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,429,773 to Schuyler (“Schuyler”). Claims 3-6, 12, 25-32, 36 and 43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schuyler in view of what would allegedly have been obvious to one holding ordinary skill in the art.

Claim 10 has been canceled.

Claims 1-9 and 11-44 remain for consideration in this application.

*Rejections under 35 U.S.C. § 112**A. Rejection of Claims 9-10*

Claims 9 and 10 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention.. In particular, the Examiner has noted it is improper to use registered names of products in the claims. Applicants have canceled claim 10 and have amended claim 9 to clarify that the operating system is one that is commercially available. Applicants respectfully request the allowance of claim 9.

*B. Rejection of Claim 15*

Claim 15 stands rejected under 35 U.S.C. § 112, first paragraph as based on a disclosure which is not enabling. In particular, the Examiner suggests that the application disclosure does not enable a critical or essential component of a claim element, namely “calculating operational cost savings to be projected.” Applicants respectfully disagree, and direct the Examiner’s attention particularly to paragraphs [0198] to [0211] and accompanying Figures 88-106, which are replete with detailed examples of how projected operational cost savings may be calculated

in embodiments of the invention. Applicants respectfully request the withdrawal of the rejection, and the subsequent allowance of claim 15.

Rejections under 35 U.S.C. § 102(e) and § 103(a)

Claims 1-44 stand rejected under either 35 U.S.C. § 102(e) or § 103(a) as either anticipated by or obvious over Schuyler. Applicants submit herewith a Declaration under 37 C.F.R. § 1.131 which establishes a date of conception and diligent reduction to practice thereafter, showing that the claimed invention was at least conceived prior to the effective filing date of Schuyler. As such, Schuyler is not prior art under Section 102(e) or 103(a), and the rejections should be withdrawn.

*Conclusion*

Applicants respectfully submit that the patent application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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